

Amendments to House Bill No. 42  
1st Reading Copy

Requested by Representative Chas Vincent

For the House Fish, Wildlife and Parks Committee

Prepared by Todd Everts  
January 26, 2009 (10:47am)

1. Title, line 6.

**Strike:** "ESTABLISH" through "ADDRESSES"

**Insert:** "ADDRESS"

2. Title, line 7 through line 8.

**Strike:** "LANDS" on line 7 through "INTERESTS" on line 8

**Insert:** "CERTAIN LANDS"

**Strike:** "AND" on line 8

**Insert:** "ESTABLISHING A FOREST MANAGEMENT SPECIAL REVENUE  
ACCOUNT;"

**Following:** "AMENDING"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "87-1-201"

**Insert:** "AND 87-1-601"

**Following:** "MCA" on line 8

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 19.

**Strike:** "establish" through "addresses"

**Insert:** "address"

4. Page 2, line 20.

**Strike:** "for lands and property interests"

**Insert:** "giving priority to forested lands in excess of 50  
contiguous acres in any state park, fishing access site, or  
wildlife management area"

5. Page 3.

**Following:** line 2

**Insert:** "NEW SECTION. Section 2. Forest management account.

(1) There is a special revenue account called the forest  
management account to the credit of the department of fish,  
wildlife, and parks.

(2) The forest management account consists of money  
deposited into the account from forest management projects  
undertaken pursuant to 87-1-201(9)(a)(iv) and from any other  
source. Any interest earned by the account must be deposited into  
the account.

(3) Except as otherwise directed by state or federal law,

funds from the forest management account must be used by the department to implement forest management projects that may result pursuant to the provisions 87-1-201(9)(a)(iv)."

**Insert: "Section 3.** Section 87-1-601, MCA, is amended to read:

**"87-1-601. Use of fish and game money.** (1) (a) Except as provided in subsections (7) and (9), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

(i) the general license account;  
(ii) the license drawing account;  
(iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-722, and 87-2-724; and

(iv) money received from the sale of any other hunting and fishing license.

(2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) Except as provided in section 2 and section 2(3), Chapter 560, Laws of 2005, money must be deposited in an account in the permanent fund if it is received by the department from:

(i) the sale of surplus real property;

(ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department, except royalties or other compensation based on production; and

(iii) leases of interests in department real property not contemplated at the time of acquisition.

(b) The interest derived from the account, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department and only upon appropriation by the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in a violation.

(6) Money received from the collection of license drawing applications is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or rules adopted under 77-1-804 must be deposited in the state general fund.

(8) The department of revenue shall deposit in the state general fund one-half of the money received from the fines pursuant to 87-1-102.

(9) (a) The department shall deposit all money received from the search and rescue surcharge in 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as provided for in 10-3-801.

(b) Upon certification by the department of reimbursement requests submitted by the department of military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

(c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the department may provide matching funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.

(d) Any money deposited in the special revenue account is available for reimbursement of search and rescue missions and to provide matching funds to reimburse counties for search and rescue training and equipment costs."

{ Internal References to 87-1-601:

10-3-801 x	10-3-801 x	37-47-318 x	77-1-804x
87-1-242 x	87-1-324 x	87-2-113 x	87-2-204x
87-3-227 x	87-4-808 x	87-5-121 x	87-5-721x }"

**Insert:**    "NEW SECTION.   **Section 4.**   {standard} **Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to [section 2]."

**Insert:**    "NEW SECTION.   **Section 5.**   {standard} **Effective date.** [This act] is effective July 1, 2009."

- END -